DETAILED ACTION

1. This action is responsive to amendment filed 09/30/2009.

    Claims 1-9 are currently pending in this application. Claims 9 and 10 have been

    cancelled. Claim 1 is an independent Claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

    obviousness rejections set forth in this Office action:

    (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
    of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
    matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the
    art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was
    made.

    Claims 1-9 maintain rejected under 35 U.S.C. 103(a) as being unpatentable over

    Applicant's Admitted Prior Art (hereinafter, "Admission") in view of **O'Rourke**

    (US 7225408, filed 08/27/2001).

As to Claim 1:

Admission teaches data processing system comprising a computer having a memory
for storage and retrieval of at least one application program embodying a pre-
determined functionality *(e.g., a computer having a memory for storage and*
retrieval of at least one application program embodying a predetermined
functionality), and for storage and retrieval of at least one data-file *(e.g., for storage*
and retrieval of at least one data-file), which computer comprises a user interface
for entertaining communication between the computer and a user of said computer
(e.g., Such known computer comprises also a user interface for entertaining
communication between the computer and the user of said computer) [See Page 4,
lines 18-22], whereby the at least one application program comprises validation
software for checking and enabling the operability of said application program in
connection with the at least one data-file *(e.g., validation software for checking and*
enabling the operability of this application program in connection with the
concerning data-file), and processing software for executing the said functionality in
connection with the at least one data-file in dependence of said enabling by the
validation software *(e.g., whereby processing software of the application program*
embodying a predetermined functionality in connection with the data-file only
becomes operable in dependence of same being enabled by the validation software
which is executed immediately prior to the processing software) [See Page 2, lines
1-11 and Page 4, lines 26-31].

Admission does not specifically teach "the validation software is executable separately and independently from the processing software."

O'Rourke discloses the validation software is executable separately and independently from the processing software *[See Col. 4, lines 15-58; Col. 6, lines 4- 51; and Fig. 1]*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admission with O'Rourke because it would have facilitated the secure access, transfer and update of patient record information and the creation and navigation of image menus supporting the location and access of desired patient record data by a user.

As to Claim 2:

Admission teaches the user interface is capable to start execution of the validation software and after completion thereof communicate a result of the execution to the user *(See Specification; Page 1, lines 12- 18 and Page 2, lines 1-11.)*

As to Claim 3:

Admission teaches the user interface is capable to start execution of the validation software and/or to start execution of the validation software immediately followed by execution of the processing software *(See Specification; Page 2, Lines 1-11.)*

As to Claim 4:

The combination of Admission with O'Rourke teaches upon selection of an application program the user interface starts execution of the validation software of said application program in connection with all available data sets and after completion thereof communicates the data- file or data-files that are operable in connection with said application program *[See O'Rourke; Col. 4, Line 37 – Col. 6, Line 33.]*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admission with O'Rourke because it would have facilitated the secure access, transfer and update of patient record information and the creation and navigation of image menus supporting the location and access of desired patient record data by a user.

As to Claim 5:

Admission teaches upon selection of a data-file the user interface starts execution of the validation software of all available application programs and after completion thereof communicates the application program or programs that are operable in connection with said data-file *[See Specification; Page 4, Lines 18-30 → a user interface for entertaining communication between the computer and the user of said computer. To this end a visual display unit may be connected to the computer for making the information accessible to the user ... the application programs that are operable on the computer comprise validation software for checking and enabling the*

operability of these application programs in connection with the available data-files as

well as processing software for executing the functionality of these application

programs in connection with the applicable data-files].

As to Claim 6:

Admission teaches the user interface has a memory for storage and retrieval of a result

or results from executing the validation software *[See Specification; Page 4, Lines 18-*

25 → *a computer having a memory for storage and retrieval of at least one*

application program embodying a predetermined functionality ... a user interface for

entertaining communication between the computer and the user of said computer.]

As to Claim 7:

The combination of Admission with O'Rourke teaches the at least one application

program and the at least one data-file relate to medical information *[See O'Rourke:*

Col. 4, Lines 37 – 57 and Col. 6, Lines 52 – Col. 7, Line 30.]

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Admission with O'Rourke because it would have facilitated the

secure access, transfer and update of patient record information and the creation and

navigation of image menus supporting the location and access of desired patient record

data by a user.

As to Claim 8:

The combination of Admission with O'Rourke teaches the medical information is

medical diagnostic information *[See O'Rourke: Col. 5, Lines 15 -37 and Col. 7, Lines*

8 -49.]

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Admission with O'Rourke because it would have facilitated the

secure access, transfer and update of patient record information and the creation and

navigation of image menus supporting the location and access of desired patient record

data by a user.

As to Claim 9:

The combination of Admission with O'Rourke teaches the at least one data-file

contains information derived with an apparatus selected, among other things, CT *[See*

O'Rourke: Col. 7, Lines 8 -30 → CT scans.]

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Admission with O'Rourke because it would have facilitated the

secure access, transfer and update of patient record information and the creation and

navigation of image menus supporting the location and access of desired patient record

data by a user.

Response to Arguments

3.　　Applicants' arguments filed 09/30/2009 have been fully considered but they are not persuasive.

Regarding independent Claim 1:

Applicant argues in substance that O'Rourke does not teach "*the validate software is executable separately and independently from the processing software.*"

In response, O'Rourke's teaching "*a user configures processing device 10 by pre-selecting patient identification data elements to be communicated to support patient record transfer. A user may select data elements such as username, password, patient identifier, patient gender identifier, patient birth date and calling application identification (supporting return of control to a calling application upon completion of communication) to be communicated upon a patient record transfer, for example. In similar fashion, a user configures processing device 10 with communication settings such as data rate, a protocol identifier, sender identifier code, error handling code identifier and data format identifier. Further, a user also configures processing device 10 to sequentially initiate communication on multiple different links in establishing a viable communication link with portable processing device 20 or another device...controller 15*

generates a sequence of patient and medical information menus in response to user

navigation commands...controller 15 validates that the user of processing device 10 is

authorized to access the information selected for transfer (e.g., via password verification)

and inhibits communication of those selected information elements for which the user is

denied access" [Col.4, lines 15-58] covers the claimed *"the validate software is*

executable separately and independently from the processing software."

Regarding dependent Claims 2-9:

Applicant did not provide arguments in substance regarding Claims 2-9 except for citing

the dependencies.

Conclusion

4.   The prior art made of record, listed on PTO 892 provided to Applicant is considered

to have relevancy to the claimed invention. Applicant should review each identified

reference carefully before responding to this office action to properly advance the

case in light of the prior art.

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

of the advisory action. In no event, however, will the statutory period for reply expire

later than SIX MONTHS from the mailing date of this final action.

Contact information

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is (571)

272-4093. The examiner can normally be reached on Monday - Friday from 9:00am

– 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Doug Hutton can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

/MaiKhanh Nguyen/
Examiner, Art Unit 2176

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11 January 2010